



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,328	08/15/2001	Steven French	AUS920010290US1	1697

35525 7590 11/09/2010
IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
----------	--------------

2491

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN FRENCH, LORIN EVAN ULLMANN,
and CRISTI NESBITT ULLMANN

Appeal 2009-005615
Application 09/930,328¹
Technology Center 2400

Before JOSEPH F. RUGGIERO, MARC S. HOFF, and THOMAS S.
HAHN, *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL²

¹ The real party in interest is International Business Machines Corporation.

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-14, 18-31, and 35-37.³ We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' invention concerns a distributed data processing system in which a geographic location identifier is generated for a network endpoint, and uniquely identifying the endpoint using the endpoint's MAC address and the geographic location identifier. Network-related actions can be performed on resources with common geographic locations, and security attributes can automatically be associated with the endpoint based on its current geographic location (Spec. 7-8).

Claim 1 is exemplary of the claims on appeal:

1. A method for management of a distributed data processing system, the method comprising:
 - determining a unique network hardware identifier for a network device;
 - associating the unique network hardware identifier with geographic location information; and
 - configuring the network device in accordance with the geographic location information through a network administrative user interface.

The Examiner relies upon the following prior art in rejecting the claims on appeal:

Hougaard	US 6,216,130 B1	Apr. 10, 2001
----------	-----------------	---------------

Liming	US 2002/0055924 A1	May 9, 2002
--------	--------------------	-------------

Claims 1-14, 18-31, and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liming in view of Hougaard.

³ Claims 15-17, 32-34, and 38-40 have been withdrawn from consideration.

Throughout this decision, we make reference to the Appeal Brief (“App. Br.,” filed January 14, 2008), the Reply Brief (“Reply Br.,” filed June 11, 2008) and the Examiner’s Answer (“Ans.,” mailed April 16, 2008) for their respective details.

ISSUES

Appellants argue that while Hougaard teaches organizing geographic data gathered from disparate sources (App. Br. 14), and allows users access only to specific geographic data rather than all geographic data (App. Br. 15), neither Liming nor Hougaard teaches configuring the network device in accordance with geographic location information through a network administrative user interface (App. Br. 12). Further, in response to the Examiner’s Answer, Appellants argue that Liming does not teach that the network device itself is altered based on the location of the device (Reply Br. 2).

With respect to claims 4 and 21, Appellants argue that Liming does not teach generating a unique name for an endpoint resource on the network device, said unique name comprising the geographic location information (App. Br. 18).

Appellants contend that neither Liming nor Hougaard teaches detecting a change of location of the network device within the distributed data processing system based on the geographic location information, as claims 10 and 27 require (App. Br. 20).

With respect to claims 11 and 28, dependent from claims 10 and 27 respectively, Appellants assert that neither reference teaches reconfiguring the network device based on the detected change of location (App. Br. 21).

With respect to claims 12 and 29, also dependent from claims 10 and 27, Appellants further assert that neither Liming nor Hougaard teaches reconfiguring user security parameters based on detected change of location of the network device (App. Br. 22).

Appellants' contentions present us with the following five issues:

1. Does the combination of Liming and Hougaard teach configuring a network device, in accordance with geographic location information, through a network administrative user interface?

2. Does the combination of Liming and Hougaard teach generating a unique name for an endpoint resource on the network device, wherein the unique name comprises the geographic location information?

3. Does the combination of Liming and Hougaard teach detecting a change of location of the network device based on the geographic location information?

4. Does the combination of Liming and Hougaard teach reconfiguring the network device based on the detected change of location?

5. Does the combination of Liming and Hougaard teach reconfiguring user security parameters based on the detected change of location?

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Liming

1. Liming teaches that as a device is moved, location context events stored in an event queue can interact to execute processes or provide constraints that determine such executions (§ 0049).

2. Liming teaches a management information base (MIB) that includes objects having object IDs (OIDs) (§§ 00161-0163; sample OIDs are illustrated at § 0164). The Examiner finds that OIDs longer than 1.3.6.1.4.1 specify resources within a private enterprise or entity (Ans. 15), and that the last five OIDs in the table include spatial information (*Id.*).

3. Liming teaches a client sending position information to a server, either at regular intervals, or alternatively only when the client detects a location change (§ 0091).

4. Liming teaches activating a location-triggered event when the device is within a certain proximity of a particular location, such as alerting the user to pick up milk and eggs when the device is detected to be in proximity to a grocery store (§§ 0113, 0114).

Hougaard

5. Hougaard teaches providing context filters that permit users to receive only the geographic and other data relevant to them (col. 7, ll. 45-49).

PRINCIPLES OF LAW

Section 103 forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in

the art, and (4) where in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). *See also KSR*, 550 U.S. at 407 (“While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.”)

ANALYSIS

CLAIM 1-3, 7-9, 13, 14, 18-20, 24-26, 30, 31, AND 35-37

We select claim 1 as representative of this group of claims, pursuant to our authority under 37 C.F.R. § 41.37(c)(1)(vii).

We are not persuaded by Appellants’ arguments, summarized *supra*. The Examiner admits that Liming does not explicitly disclose configuring the network device in accordance with the geographic location information *through a network administrative user interface* (Ans. 4, emphasis added), but applies the teachings of Hougaard to supply the claimed interface (*Id.*). Appellants’ Specification does not provide a definition of “configure” that is in conflict with the Examiner’s finding that providing context filters that permit users to receive only the geographic and other data relevant to them (FF H1) meets the claimed “configuration” (Ans. 4).

Appellants further argue that Liming teaches that the device itself is not altered based on the location of the device, but rather that the location of the device is merely a condition that is met in order to execute existing services and programs on the device (Reply Br. 2, citing Liming ¶¶ 0052 and 0110; *see also* FF 1). We are not persuaded of Examiner error by this argument, as we regard Appellants’ statement as a distinction without a difference. We find that “executing existing services and programs on the

device” based on the device’s location necessarily *does* alter the device based on the location of the device. Thus, we agree with the Examiner’s finding that Liming teaches configuring the network device in accordance with the geographic location information.

Appellants have not established that the Examiner erred in rejecting representative claim 1 under § 103 as unpatentable over the combination of Liming and Hougaard. Accordingly, we will sustain the rejection of claims 1-3, 7-9, 13, 14, 18-20, 24-26, 30, 31, and 35-37.

CLAIMS 4-6 AND 21-23

Appellants argue that Liming does not teach generating a unique name for an endpoint resource on the network device, wherein the unique name comprises the geographic location information (App. Br. 18). According to Appellants, Liming teaches storing location information in a database, or in a cookie, or in a Management Information Base, but does not teach generating a unique name comprising the location information (App. Br. 18).

We are not persuaded by Appellants’ argument. The Examiner finds that Liming teaches a management information base (MIB) that includes objects having object IDs (OIDs) (FF 2). The Examiner finds, and Appellants do not rebut, that OIDs longer than 1.3.6.1.4.1 specify resources within a private enterprise or entity (Ans. 15, FF 2), and that the last five OIDs in the table include spatial information (*Id.*). We agree with the Examiner’s finding that at least these last five OIDs constitute unique names for an endpoint resource on a network device that comprise geographic location information.

Appellants have not shown error in the Examiner’s § 103 rejection of claims 4 and 21, and we will sustain the rejection. Appellants do not present

separate arguments for the patentability of claims 5, 6, 22, and 23. We will therefore sustain the § 103 rejection of claims 5, 6, 22, and 23, for the same reasons expressed with respect to claims 4 and 21.

CLAIMS 10 AND 27

Appellants argue that neither Liming nor Hougaard teaches detecting a change of location of the network device within the distributed data processing system based on the geographic location information (App. Br. 20).

Appellants' argument is not persuasive. We agree with the Examiner's finding (Ans. 17) that Liming teaches a client sending position information to a server, either at regular intervals, or alternatively only when the client detects a location change (FF 3). Because the claims do not require any particular part of the data processing system to perform the claimed detection, we agree with the Examiner that Liming's teaching of a client detecting a change of its own location meets the language of dependent claims 10 and 27.

Because Appellants have not shown that the Examiner erred in rejecting claims 10 and 27, we will sustain the § 103 rejection.

CLAIMS 11 AND 28

Appellants argue that neither Liming nor Hougaard teaches reconfiguring the network device based on the detected change of location of the network device (App. Br. 21).

We do not agree with Appellants, but rather agree with the Examiner's finding (Ans. 18) that Liming teaches activating a location-triggered event when the device is within a certain proximity of a particular location, such as alerting the user to pick up milk and eggs when the device

is detected to be in proximity to a grocery store (FF 4). Appellant does not establish that such an activity does not correspond to “reconfiguring” of the network device, as claimed.

Because Appellants have not shown that the Examiner erred in rejecting claims 11 and 28, we will sustain the § 103 rejection.

CLAIMS 12 AND 29

Appellants argue that Hougaard does not teach reconfiguring user security parameters based on the detected change of location of the network device (App. Br. 22). Appellants further argue that in Hougaard, the actual location of the user is not known or determined (*Id.*).

We are not persuaded by Appellants’ argument. As noted *supra* in the discussion of claim 11, Liming (rather than Hougaard) is relied upon to teach reconfiguring a network device based on detected change of location. Appellants do not contest that Liming teaches conditionally performing an action based on the change of location of the device. The Examiner relies on Hougaard to teach a security mechanism for allowing only authorized users to access data, as well as only providing access to data that is relevant at the time a request is made (Ans. 18; FF 5). We agree with the Examiner’s conclusion that the combined teachings of the references would have suggested reconfiguring security parameters based on a detected change of location (Ans. 18-19).

Because Appellants have not shown that the Examiner erred in rejecting claims 12 and 29 under § 103, we will sustain the rejection.

CONCLUSIONS

1. The combination of Liming and Hougaard teaches configuring a network device, in accordance with geographic location information, through a network administrative user interface.

2. The combination of Liming and Hougaard teaches generating a unique name for an endpoint resource on the network device, wherein the unique name comprises the geographic location information.

3. The combination of Liming and Hougaard teaches detecting a change of location of the network device based on the geographic location information.

4. The combination of Liming and Hougaard teaches reconfiguring the network device based on the detected change of location.

5. The combination of Liming and Hougaard teaches reconfiguring user security parameters based on the detected change of location.

ORDER

The Examiner's rejection of claims 1-14, 18-31, and 35-37 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

Appeal 2009-005615
Application 09/930,328

AFFIRMED

ELD

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380